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Fiftieth session
Item 10 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[4 February 1994]

STATE OF EXCEPTION, DETENTION AND DISAPPEARANCES IN SYRIA

1. The International Federation of Human Rights (IFHR) and its Syrian affiliate, the Organization of Committees for the Defence of Democratic Freedoms and Human Rights in Syria (the CDFs) wish once again to draw your attention to the fact that mid-February, as the Commission on Human Rights holds its fiftieth session, will mark the twenty-fifth anniversary of the arrest of Mr. Ahmad Swaidani and the twenty-fourth year of detention of 11 other political prisoners (see annex III), all of whom are currently detained without trial under the state of emergency that has been continuously in force for the last 31 years.

2. Since the forty-ninth session of the Commission, held in February and March 1993, some 30 prisoners have been released, 6 of whom had been listed as detainees for more than 22 years. We welcome their release, but we regret to inform the Commission that, for the first time since 1990, the number of persons arrested exceeds the number freed: in the meantime, 45 political detainees have joined the list of 5,100 political prisoners and prisoners of opinion or conscience languishing in Syrian prisons.

3. Despite demands from the international community, 15 CDF activists remain in prison, 10 of them having been convicted, at the end of a grossly unfair trial by a court of special jurisdiction, merely for exercising their fundamental right to defend human rights. The other five are currently standing trial before the same court (see annex I). They continue to be accused of terrorism by the Syrian authorities (see, for example, the statement by the Syrian delegation at the forty-ninth session of the Commission on Human Rights), although it is now internationally acknowledged and accepted that they never advocated or used violence. We wish to draw attention to the fact that the state of health of the lawyer Aktham Nouaisseh, the CDF spokesman detained at Sednaza prison since 18 December 1991, has seriously deteriorated in recent months.

4. The IFHR and the CDFs once again draw attention to the fact that since August 1971 the Syrian Government has systematically accused prisoners of opinion of terrorism without ever bringing the relevant charges in an ordinary court, while the State Security Court has had no grounds for its existence since 1973, the date of the ratification of the Constitution by Syria's highest executive and legislative bodies. In this regard, it will be noted with satisfaction that on 12 June 1993 Judge Mulla Nasrat Haidar, President of the Supreme Constitutional Court of Syria, stated that "military laws that are not aimed at sparing the country from a real and serious danger are null and void".

5. As regards prison conditions, the IFHR and the CDFs are in possession of information attesting to practices which are absolutely incompatible with the Standard Minimum Rules for the Treatment of Prisoners, and which have resulted in the death under torture of Mr. Rizq Qutaifan and the death in deplorable conditions of Mr. Salah Jadid after 23 years of detention without trial. The IFHR and the CDFs are extremely concerned at the state of health of the persons named in annex II.

6. Our organizations are concerned at the resumption of arbitrary arrests of women, following the spate of releases at the end of November 1991 in which 71 women prisoners were freed. At least seven women - Rosette Issa, Khadirja Dib, Fadwa Mahmud, Dhuha Ashour, Assibah Abdelrahman, Assia Mahmoud and Tamara Ma'rouf - were arrested in 1993.

7. The IFHR and the CDFs are concerned at the unfair trials taking place before the State Security Court, involving more than 500 prisoners of opinion. Communists, Baathists, Nasserists, Kurdish nationalists and human rights activists are collectively standing trial before this court, which passed its first sentences in June 1993 (see the statement by the IFHR in the Sub-Commission on Prevention of Discrimination and Protection of Minorities at

its forty-sixth session (E/CN.4/Sub.2/NGO/11)). Following international protests, the court has passed no further sentences since that time; however, it has yet to discontinue proceedings against the other prisoners.

8. With the aid of the IFHR, the CDFs are studying the cases of 3,000 persons who have disappeared, and are calling for fuller information regarding the 400 cases in which there are still grounds for hope - more than several dozen of which have already been taken up by a number of non-governmental organizations and brought to the attention of the Working Group on Enforced or Involuntary Disappearances. In particular, we call on the Syrian Government to provide immediate clarification of the fate of Wafa Obedat, Shazkha Abd al-Jundi, Hassan al-Hafez, Rashwan al-Zoussifi and Moustapha Abou Kouss.

9. The IFHR and the CDFs call on the Commission to support this demand, as well as the immediate and unconditional freeing of about 5,000 prisoners of opinion recorded by the organizations, the abolition of the special courts and implementation of the guarantees of the right to a fair trial. They also renew their call for an end to the practice of torture and for the punishment of those who engage in torture.

Annex I

CDF activists sentenced by a court of special jurisdiction on 17 March 1992 to 5 to 10 years' imprisonment with hard labour and deprivation of civil rights

Aktham Nouaisseh (9 years)

Afif Mizer (9 years)

Muhamad Ali Habib (9 years)

Nizar Nazouf (10 years)

Bassam al-Shazkh (5 years)

Thabet Murad (5 years)

Jadi' Nawfal (5 years)

Ya'qub Musa (5 years)

Hassan Ali (5 years)

Hussam Salama (5 years)

Annex II

Application of the Standard Minimum Rules for the Treatment of Prisoners: some critical cases

Adnan al-Qadi

Riad al-Turk

Moustaffa Khalifa

Abbas Abbas

Khaled Nasser

Misham Zouqi

Mahmud Fazzadh

Muhammed Id Ashshawi

Issu Muhammad

Nabil Fawwaz

Nizar Mradni

Ghassan Kassis

Ahmad Hassan Mansour

Annex III

Persons detained without trial for at least 22 years (1) or who had served their full sentence by 1985 (2)

Ahmad Swaidani (1969) (1)

Mustapha Fallah (1970) (2)

Khalil Brazez (1970) (2)

Mahmud Fazzadh (1970) (2)

Jalal al-din Mirhij (1970) (2)

Hadirha Murad (1970) (1)

Muhammed Id Ashshawi (1970) (1)

Fawiz Rida (1970) (1)

Abdel Hamid Muqdad (1970) (1)

Dhafi Jouma'ni (1970)

Mustafa Rustum (1970) (1)

Adel Naissa (1972) (1)